

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN THE MATTER OF:

CHAPTER 13

JESSICA L. SIMMS

CASE NO. 17-14487-JDW

OBJECTION TO SECURED CLAIM

COMES NOW THE DEBTOR (S), by and through counsel, and files this Objection to the following pre-petitioned secured claim and requests the Court to set the value for the purpose of plan confirmation:

Capital One Auto Finance
Attn: General Correspondence/Bankruptcy
P.O. Box 30285
Salt Lake City, UT 84130

Description of Collateral: 2010 Toyota FJ Cruiser

Amount of Debt: \$13,069.00

Value: \$16,700.00

Treatment: Pay the alleged amount owed of \$13,069.00 plus 5% interest over the life of the Chapter 13 plan; or in the event a timely filed and/or allowed Proof of Claim is filed by or on behalf of this creditor evidencing a purchase-money security interest and that the vehicle loan was acquired **less than 910 days before** the petition filing, pay the amount owed as set forth in such claim plus 5% interest over the life of the Chapter 13 plan; or, in the event a timely filed and/or allowed Proof of Claim is filed by or on behalf of this creditor evidencing a purchase-money security interest and that the vehicle loan was acquired **more than 910 days** before the petition filing, then pay the value of \$16,700.00 plus 5% interest over the life of the plan **unless** the amount owed as set forth in such claim is less than the value of \$16,700.00.

Debtor(s) pray(s) that in the event a timely filed and/or allowed Proof of Claim is filed by or on behalf of any of the abovementioned creditors evidencing an **unsecured interest**, that said creditor be paid the same percentage distribution as all other unsecured creditors through the Chapter 13 plan and further pray(s) that either upon payments of the underlying debts determined

under non-bankruptcy law of a discharge under Bankruptcy Code § 1328, all liens be cancelled and any and all title documents be promptly delivered to Debtor(s).

Dated: April 9, 2018

Respectfully Submitted,
/s/Michael W. Boyd
Michael W. Boyd, P.A.

Michael W. Boyd, Attorney at Law #4216
Post Office Box 1586
Greenville, Mississippi 38702-1586
Telephone: 662-332-0202
Fax: 662-332-0241
notices@boydlawoffice.com

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN THE MATTER OF:

CHAPTER 13

JESSICA L. SIMMS

CASE NO. 17-14487-JDW

NOTICE OF OBJECTION TO SECURED CLAIM

I, Michael W. Boyd, Attorney for Debtor(s) herein, do hereby notice the following creditor that an Objection to Secured Claim and Other Relief has been filed on behalf of Debtor (s) :

Capital One Auto Finance
Attn: General Correspondence/Bankruptcy
P.O. Box 30285
Salt Lake City, UT 84130

NOTICE IS FURTHER GIVEN that all creditors and other interested parties desiring to respond to said Objection to Secured Claim are hereby required to file written responses within 30 days of the filing of said Objection to Secured Claim to the following:

Hon. Shallanda J. Clay, Clerk
U.S. Bankruptcy Court
Post Office Box 867
Aberdeen, MS 39730

and to serve a copy of said responses upon the Attorney for Debtor (s) and the Chapter 13 Trustee:

Michael W. Boyd, Attorney at Law
Post Office Box 1586
Greenville, MS 38702-1586

Locke D. Barkley, Chapter 13 Trustee
PO Box 55829
Jackson, MS 39296-4476

In the event such written responsive pleading is not filed within 30 days of the filing of this Objection to Secured Claim, the Court may enter a Confirmation Order, which shall set the amount owed of each affected secured creditor's lien, and which shall sustain the Objection to Secured Claim, granting the relief requested therein. In the event a written response is filed, the Court will notify you of the date, time and place of the hearing thereon.

Dated: April 9, 2018

Michael W. Boyd, Attorney for Debtor
Post Office Box 1586
Greenville, MS 38702-1586
Telephone: 662-332-0202
Fax: 662-332-0241

/s/Michael W. Boyd, P.A.
Michael W. Boyd,
Attorney for Debtor

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN THE MATTER OF:

CHAPTER 13

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CASE NO. 17-14487-JDW

CERTIFICATE OF SERVICE

I, Michael W. Boyd, Attorney for the Debtor(s) herein, do hereby certify that I have this day electronically filed the foregoing Objection to Secured Claim and Other Relief with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Office of the United States Trustee
USTPRegion05.AB.ECF@usdoj.gov

Locke D. Barkley
sbeasley@barkley13.com

and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants:

Capital One Auto Finance
Attn: General Correspondence/Bankruptcy
P.O. Box 30285
Salt Lake City, UT 84130

Dated: April 9, 2018

/s/Michael W. Boyd
MICHAEL W. BOYD

Michael W. Boyd, Attorney at Law
Post Office Drawer 1586
Greenville, MS 38702-1586
Telephone: 662-332-0202
Fax: 662-332-0241